

Amendment To Statewide Land Acquisition Grant Proposal Federal Aid Project FW-47-L

Introduction

The Iowa Department of Transportation is upgrading U.S. Highway 60 from LeMars, Iowa, to the Minnesota County line. This project will involve bypassing the city of Ashton (Ashton Bypass) and result in impacts to the Ashton Pits Wildlife Area. The Iowa Department of Natural Resources (DNR), Iowa Department of Transportation (DOT), and Federal Highway Administration (FHA) have worked cooperatively over the past three years to identify alternatives that would reduce impacts to the Ashton Pits Wildlife Area and allow DOT and FHA to achieve highway improvement project goals.

A preferred alternative was identified by DNR, DOT, & FHA that would prevent the channelization of Otter Creek, but impact a small portion of the Ashton Pits Wildlife Area. A Memorandum of Agreement was negotiated and executed between DNR and DOT which details mitigation measures and enhancements to be performed by DOT in exchange for converting 1.86 acres of the Ashton Pits Wildlife Area to highway purposes. U.S. Fish & Wildlife Service approval is requested for the conversion of a portion of the Ashton Pits Wildlife Area in exchange for land replacement of greater value to be provided by DOT.

Program Narrative

The 33 acre Ashton Pits Wildlife Area was acquired in 1965 with federal aid funding through Project W-4(191)-L. This area consists of former gravel pits (8 acres) and surrounding uplands (25 acres) comprised of timber, brush, and grasslands. Wildlife production and harvest are the primary management objectives. Secondary objectives include fishing and a limited amount of trapping. This area is managed by the Osceola County Conservation Board through a 25-Year Management Agreement.

DNR and DOT first began discussions concerning the Ashton Bypass in Spring, 2000. Three alternatives were considered for the bypass. DNR's primary concern is that the preferred alignment be routed in a direction that would not require channelization of Otter Creek. Otter Creek is a high quality warm water stream with a good mussel population. Three alternatives were explored as possible routes for the Ashton Bypass. Two of the three alternatives (B & C) were designed to avoid channelization of Otter Creek and would also impact the least amount of wetland. Alternative A, which does require channelization of Otter Creek, was considered to be the least desirable alternative by DNR. Alternative C, which does not impact the Ashton Pits Wildlife Area, was eliminated by the community of Ashton and the DOT because of increased costs and unacceptable distance from the city limits. Alternative B was selected as the preferred alignment and will impact 1.86 acres of the Ashton Pits Area. It is DNR's opinion that Otter Creek represents a more significant natural resource worthy of protection than that portion of the Ashton Pits Area being impacted by this project.

DOT will be replacing the 1.86 acres of Ashton Pits Wildlife Area with 42.36 acres of land. This replacement land will be purchased in the name of DNR to be managed in perpetuity by DNR for wildlife production and harvest and fishing. This replacement land is located adjacent to the existing Ashton Pits Area and creates contiguous public land totaling 73 acres, a net gain of 40 acres. The replacement land will include a 12 acre fishing lake created from

borrow used as fill for the new roadway. DNR fisheries biologists have assisted in the design of this fishing lake which will include sloping sides and varying depths ranging up to fifteen feet. A 5 acre wetland area will also be developed to mitigate wetland impacts. DNR wildlife biologists will assist with the development of this wetland area with the goal of creating semi-permanent water regimes preferred as waterfowl brood rearing habitat. An island will be developed in the wetland to provide nesting habitat. Uplands surrounding these water areas will be seeded to a combination of cool season grasses and warm season, native prairie grasses to provide winter cover and nesting cover. DOT has also agreed to upgrade the existing access road and expand the parking lot on the area. Details of the Highway 60/Ashton Pits land conversion are included in a Memorandum of Agreement dated April, 2002. This agreement was formerly executed and approved at the June, 2002 meeting of the Natural Resource Commission.

The 1.86 acre Ashton Pits land will be transferred to DOT jurisdiction and converted to highway purposes.

Replacement Land

DOT has appraised the replacement land and the Ashton Pits Wildlife Area land to determine fair market value. Copies of these appraisals are included as appendices. The replacement lands include portions of four tracts totaling 42.36 acres and an appraised value of \$110,479. The 1.86 acres of Ashton Pits land appraised for \$1,488.

The replacement land is currently cropland and pasture that will be developed as wildlife habitat. This replacement land will include 12 acres of open water, 5 acres of emergent wetland and 25 acres of grassland which will be seeded to both cool season grasses and native prairie grasses.

The 1.86 acre Ashton Pits land includes 1.04 acres of open water (gravel pit) and 0.82 acre of upland comprised of willow, cottonwood, and brome grass. DNR fisheries biologists do not consider these gravel pits to be a viable fishery and have assigned them a low management priority. Past surveys have shown a dominance of small bullheads and fathead minnows indicating that life requirements for more desirable predator fish are not present in Ashton Pits.

It is DNR's opinion that the wildlife habitat value and fisheries value of the replacement land greatly exceeds the wildlife and fisheries values of the Ashton Pits Wildlife Area lands that will be converted to highway purposes. DNR and DOT staff consider this project to be of net benefit to fish and wildlife habitat, highway users, and users of Iowa's natural resources.

Additional amenities to be provided by DOT include upgrading of the access road and parking lot on the Ashton Pits Area at an estimated cost of \$30,000.

All replacement lands will receive a Wildlife Restoration interest and considered to be acquired with federal aid funding.

Compliance

This project will involve the conversion of 1.86 acres of land that was acquired with federal Wildlife Restoration funding. This land will be replaced with 42.36 acres of land that will be managed as part of the Ashton Pits Wildlife Area.

NEPA – DOT has prepared an environmental assessment and Finding of No Significant Impact for this project. DNR concurs with this EA and FONSI and considers it be in compliance with the spirit and intent of NEPA. DNR proposes that DNR and FWS adopt this document in lieu of preparing additional environmental documentation. A copy of the EA is attached as an appendix.

Section 7 – DOT has coordinated with both DNR and FWS with respect to threatened and endangered species. DOT conducted surveys for both mussels and the Topeka Shiner as requested by DNR. The mussel survey documented 116 individuals representing 4 mussel species, none of which were federal or state listed species. No Topeka Shiners were documented from the survey, however habitat conditions are considered to be favorable for their occurrence.

Section 106 – Phase I surveys of the Ashton bypass lands were performed in April, 2001. Four properties were evaluated, one of which is a farmstead that is considered to be eligible for the National Register of Historic Places. This farmstead will be avoided. SHPO concurrence with these findings is provided on July 13, 2002.

Wetlands – Unavoidable wetland impacts totaling 5.31 acres will result from the Ashton Bypass project. DOT will create 5.43 acres of emergent wetland on the replacement lands as mitigation for these losses. DOT will obtain a Section 404 permit from the U.S. Army Corps of Engineers and a Section 401 Water Quality Certification from DNR to comply with the Clean Water Act.

Public comment – DOT has conducted several public meetings and provided for interagency coordination as detailed in the EA. NEPA requirements are detailed at these meetings. A public notice establishing the availability of the EA and FONSI for public review was published on August 14, 2002. The public comment period expired on September 20, 2002. Five comment letters resulted from this public notice and are included in the EA along with DOT's response. The Memorandum of Agreement between DNR and DOT was executed during a public meeting of the Natural Resources Commission. Public comment concerning this project is considered to be favorable.

Documentation

Copies of the following documents are included:

1. Appraisal reports of the replacement land (4) and Ashton Pits Wildlife Area.
2. Plat map – Replacement lands to DNR from DOT
3. Plat map – Ashton Pits land to be transferred to DOT
4. Memorandum of Agreement: Project No. NHS-60-1(13)-19-75
5. FHA Finding of No Significant Impact for Improvement of Iowa 60
6. NEPA checklist
7. Phase I Section 7 Evaluation form